

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	CASE NO. DNCW 3:01CR53-1
	)	(Financial Litigation Unit)
JOHN W. COZART,	)	
	)	
and	)	
	)	
COMMTECH WIRELESS,	)	
	)	
Garnishee.	)	

**ORDER OF GARNISHMENT**

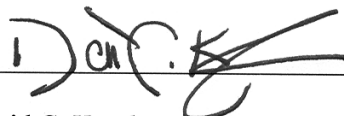
**THIS MATTER** is before the Court on the answer of Commtech Wireless, as the Garnishee. On October 22, 2001, the Honorable Judge Richard L. Voorhees sentenced the defendant to eighteen months in prison for his conviction of conspiracy to commit mail fraud in violation of 18 U.S.C. §1341. *See* Judgment, filed January 7, 2002. As part of that Judgment, the defendant was ordered to pay an assessment of \$100.00 and restitution of \$402,310.75 to the victims of the crime. *Id.*

The Government now seeks to garnish Defendant's earnings from the garnishee. The Answer of the Garnishee filed November 29, 2010, provides that Garnishee anticipates additional earnings in the form of new wages (gross pay minus total tax withholdings) in the amount of \$3,130.74 semi-monthly. However, defense counsel has provided information showing that Mr. Cozart's wages are currently going to child support for two minor children in the percentage amount of 48% per pay period based on his semi-monthly earnings. As the child support agreements are 48% of Mr. Cozart's gross earnings, the Government seeks to garnish 0% of his earnings based on his semi-monthly earnings. Once Mr. Cozart's two minor children turn eighteen or his child support

obligation otherwise falls below 25% of his net wages, the government will seek to garnish 25% of Mr. Cozart's earnings.

**IT IS THEREFORE ORDERED** that an Order of Garnishment is hereby **ENTERED** in the amount of \$395,341.37 computed through November 22, 2010, which attaches zero earnings of the defendant until his two minor children turn eighteen, at which time 25% shall be garnished in favor of the United States until the defendant's restitution debt is paid in full.

Signed: May 18, 2011

  
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David C. Keesler  
United States Magistrate Judge

